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KFRD, PREF

SUBJECT: KOSOVO: TIP REPORT SUBMISSION PART ONE OF TWO

REF: STATE 2731

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¶1. (SBU) SUMMARY: Post's submission for the Eighth Annual Trafficking in Persons (TIP) Report follows. (Note: On February 17, 2008 the Kosovo Assembly declared Kosovo to be an independent state. On February 18, 2008 the United States recognized and formally established diplomatic relations with Kosovo. Kosovo, since 1999, has been administered by the United Nations Interim Administrative Mission in Kosovo (UNMIK). End Note.) For the first time, the Kosovo government led Kosovo's counter-trafficking efforts during the entire reporting period. The Kosovo government has gotten off to a promising start despite limited resources, and it has demonstrated a political will to address trafficking. Two of Kosovo's main counter-trafficking actors, the Kosovo Police Service (KPS) Trafficking in Human Beings Section (THBS) and the Kosovo Special Prosecutor's Office (KSPO), are cooperating closely and taking a more strategic approach to counter-trafficking. Police and prosecutors in Kosovo traditionally focused mostly on shutting down bars and cafes employing trafficking victims, but the KPS THBS and KSPO have begun to do more investigations targeting the larger trafficking rings. END SUMMARY.

Overview of Kosovo's activities to eliminate trafficking in persons

¶2. (SBU) Question 27 (A): Kosovo is a source, transit point and destination for trafficked persons, and internal trafficking is a concern. As in previous years, the identified victims were women and girls trafficked for the

purpose of sexual exploitation.

¶3. (SBU) Detailed, reliable statistics are difficult to collect and often misleading because organizations active in counter-trafficking efforts rely on different definitions of trafficking, employ uneven statistical analyses and overlap in data collection. Moreover, the statistics that are available are of victims who have been identified by the police or, in rarer cases, gone directly to the authorities or NGOs. Many victims are never identified due to the hidden nature of the crime. Finally, there is a dearth of statistics for Kosovo Serb victims.

¶4. (SBU) Notwithstanding the challenges of collecting accurate statistics, especially for Kosovo Serb areas, KPS THBS, Ministry of Justice Victims Advocacy and Assistance Unit (VAAU), and International Organization of Migration (IOM) statistics do illustrate the magnitude of the problem in Kosovo and capture important trends.

¶5. (SBU) For April 1, 2007 through January 21, 2008, the KPS THBS reported 32 trafficking victims, 17 of whom were Kosovo Albanians and one of whom was a Kosovo Serb. The majority of the remaining 14 victims were from Albania.

¶6. (SBU) The Ministry of Justice's Victims' Advocacy and Assistance Unit (VAAU) reported assisting 33 victims of trafficking in 2007, about 14 of whom were internally trafficked.

¶7. (SBU) IOM reported that it has assisted 569 mainly international victims of trafficking since 1999. Moldovans accounted for 51 percent of the victims, followed by 19.5 percent from Romania, 13 percent from Ukraine, and the rest from Bulgaria, Albania, Russia, Serbia, Montenegro, Slovakia and Nigeria. The majority of these victims were between the

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ages of 18 and 24 years. IOM reported that almost 82 percent of the Kosovar victims were internally trafficked, while approximately eight percent were trafficked to Macedonia and 4.5 percent each to Italy and Albania.

¶8. (SBU) KPS THBS, IOM and others involved in counter-trafficking work in Kosovo believe that most victims are from families with a high level of poverty, unemployment and illiteracy and that trafficked minors tend to be Kosovars from dysfunctional, abusive families. IOM statistics for 2007 indicate that 10 percent of local victims were not enrolled in school; 35 percent had only finished primary school (fifth grade); 45 percent had finished elementary school (ninth grade); eight percent had completed secondary education (high school); and less than one percent had attended university. Twelve and a half percent of the foreign victims were not enrolled in school; 12.5 percent had only finished primary school (fifth grade); 25 percent had completed secondary education (high school); and 50 percent had received vocational training.

¶9. (SBU) Question 27(B): Victims trafficked to Kosovo continue to be almost exclusively women and adolescent girls from Eastern Europe, the Balkans and the former Soviet Union. Statistics indicate that most Kosovar victims are minors, while most foreign victims are young women. Numbers of identified trafficking victims declined during the reporting period and there were more internally trafficked than foreign victims. In 2007, KPS THBS identified 32 victims: 18 Kosovars (17 Kosovo Albanians and one Kosovo Serb), nine Albanians, three Moldovans, one Ukrainian and one Macedonian, while in 2006, they identified 64 victims, 20 of whom were Kosovars. KPS THBS attributes the decline in identified victims to traffickers becoming more sophisticated, border police becoming more efficient and turning back potential victims, and a joint KPS THBS and Kosovo Special Prosecutor's Office (KSPO) effort to do more thorough investigations in order to crack the trafficking rings

instead of merely temporarily closing individual trafficking bars. (Note: In the past, police and prosecutors tended to go after individual bars rather than try to break the trafficking networks. While the investigations were quicker, the bars would often open up again a few months later with the same women. End Note.)

¶10. (SBU) The Kosovo government and UNMIK are aware of the human trafficking problem and have demonstrated the political will to address it. They named a national anti-trafficking coordinator and adopted a Kosovo Action Plan (KAP) in cooperation with many NGOs and international organizations. (Note: The KAP expired in December 2006, after having been extended for seven months. Discussions are currently underway for a follow-on plan for 2008 through 2010. End Note.) The government and UNMIK also created a secretariat in the Prime Minister's Advisory Office for Good Governance (AOGG) to support the national anti-trafficking coordinator and an inter-ministerial working group on trafficking in persons, as well as four other working groups to tackle prevention, protection, prosecution, and trafficking in children. They have also launched numerous anti-trafficking campaigns and training sessions under the auspices of the KAP and with the support of NGOs, international organizations and liaison offices.

¶11. (SBU) Data on traffickers is unreliable, but most people working in the counter-trafficking field in Kosovo believe organized crime elements are involved. KPS THBS believes most traffickers work in small groups and recruit through

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personal contacts. They also believe some traffickers are former trafficking victims who have returned to their countries of origin to recruit new victims. IOM and the KSPO report that most traffickers are local men.

¶12. (SBU) As in previous years, the majority of trafficking victims report that someone they know recruited them with a false job offer or a false promise of marriage. IOM reports that of the 569 mainly international victims it assisted between 1999 and December 2007, 74 percent fell prey to traffickers after accepting a bogus job offer abroad, four percent claim to have been kidnapped, and four percent were promised marriage. In 83 percent of cases, recruiting was through personal contacts; the recruiter was an acquaintance of the victim in 29 percent of the cases, and a family friend in approximately 16 percent. Recruiters were most often female.

¶13. (SBU) Evidence obtained by the KPS THBS and counter-trafficking service providers indicates that traffickers target primarily poorly educated and economically disadvantaged women. Foreign targets tend to be 18 to 24 years old, while local targets are generally 16 to 18 years old. IOM paints a very similar picture based on the information it has collected from victims in Kosovo. Its records indicate that traffickers most often recruit poor women and girls from rural villages where economic opportunities are limited. According to IOM, traffickers particularly target those who have sick family members or are from abusive families. The KSPO prosecutor specializing in trafficking says that the traffickers appear to target mostly Moldovan women and to bring them to Kosovo on commercial flights via Istanbul or Budapest.

¶14. (SBU) While there are still reports of trafficking victims being subjected to beatings, rape, denial of access to health care and confiscation of travel and identity documents, KPS THBS, KSPO, IOM and Catholic Relief Services (CRS) report that traffickers are increasingly less brutal towards their victims. They say traffickers are allowing some freedom of movement and improved living conditions. KSPO reports that victims they have seen are often living in apartments near or adjacent to the clubs where they work and are allowed to make supervised trips into town. KPS THBS

says it even sees evidence of wire transfers from foreign victims to their families back home. Nevertheless, IOM reports that most trafficking victims share small motel rooms and that many have limited or no freedom of movement.

¶15. (SBU) KPS THBS reports that few trafficking victims enter illegally or use false documents. Most trafficking victims possess valid passports and valid employment permits for work as waitresses and dancers. The contracts are registered by Kosovo law firms and stamped by municipal authorities. According to KPS THBS, some victims receive pay only for performing sexual services, and not for the work stated in their employment contracts. IOM also says most victims have their documents in order, but they still find some cases of victims coming to Kosovo on false documents.

¶16. (SBU) As in past years, the majority of victims are found working in bars and restaurants, but some counter-trafficking organizations report that traffickers are increasingly shifting the commercial sex trade into private homes and escort services to avoid detection, a result of KPS THBS's increasingly frequent bar and restaurant checks. KPS THBS reports that bar owners are increasingly sending the victims and clients to nearby motels to help avoid detection and are

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asking that clients pay the women directly so it looks more like prostitution than trafficking if they are caught.

¶17. (SBU) Question 27 (C): The national coordinator for counter-trafficking in the Prime Minister's Advisory office on Good Government (AOGG) has the lead on anti-trafficking work and is supported by a small secretariat. Other agencies involved in counter-trafficking work include the Ministries of Education, Science and Technology; Culture, Youth and Sports; Interior; Justice; Labor and Social Welfare; Health; Public Services; Local Government; Finance; Trade and Industry; and Communities and Returns. International organizations and NGOs also play a very active role in counter-trafficking efforts in Kosovo.

¶18. (SBU) Kosovo has an inter-ministerial working group on trafficking issues, which was tasked with designing, implementing and monitoring the recently expired Kosovo Action Plan (KAP) and will now work on developing a new KAP. It includes members of the Kosovo government, UNMIK, international organizations and NGOs. In 2006, the Inter-Ministerial Working Group established sub-working groups on prevention, protection, prosecution, and trafficking in children. Their work continued during the reporting period.

¶19. (SBU) Question 27 (D): The hidden nature of the problem, reluctance of witnesses to come forward, lack of resources, poor cooperation and information sharing within the counter-trafficking community, and inadequate training of judges and prosecutors limit the government's ability to address the trafficking problem. Given the low salaries local law enforcement officials receive and the overall weakness of the rule of law, susceptibility to corruption is a concern.

¶20. (SBU) The government established the Kosovo Anti-corruption Agency and the Police Inspectorate of Kosovo (PIK) in July 2006, and the Kosovo Special Prosecutors' Office (KSPO) in September 2006. The Kosovo Anti-corruption Agency began its operations in February 2007; according to its head, Hasan Preteni, it had submitted 37 corruption cases to prosecutors by September 2007. The PIK is designed to promote police efficiency and effectiveness, hold police accountable for their actions and investigate and punish misconduct. During calendar year 2007, it received 122 complaints from citizens and initiated 128 investigations itself. As of February 2008, the PIK still had not established a disciplinary committee and therefore could not undertake any punitive measures. The KSPO is currently

working under the tutelage of international prosecutors, but it will eventually take full responsibility for sensitive cases, including corruption, organized crime and trafficking. There are currently five special prosecutors on staff with plans to add four more. The KSPO also has 10 legal officers.

¶21. (SBU) KPS THBS reports many obstacles to fighting trafficking. Traffickers are growing more sophisticated and are getting better at making trafficking look like prostitution (see paragraph 16). Officers complain of women or girls whom they suspect of being trafficking victims denying that they are victims, and they suspect fear of the traffickers is to blame. Witness intimidation is a serious problem in Kosovo. One of the trafficking shelters, the Center for Protection and Prevention of Victims of Trafficking in Human Beings (PVPT), shut down briefly in 2007, partly in response to threats it received when its

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location was compromised.

¶22. (SBU) Lack of funding and resources are general problems for law enforcement in Kosovo and negatively impacted undercover operations during the reporting period. KPS THBS operations also suffered from a lack of equipment, however, it was somewhat alleviated by donations from the international community during the reporting period.

¶23. (SBU) KPS THBS also complains of a lack of human resources. Its ceiling is 34 officers, but it currently has only 27 officers, including eight in its Pristina headquarters. KPS THBS currently has female officers in every region except Gjilan, and is poised to hire three more in its Pristina headquarters in early 2008. KPS THBS recently published a vacancy announcement, and their review panel met and recommended qualified applicants from the candidate pool.

¶24. (SBU) Another human resources problem is the lack of Kosovo Serb officers in the anti-trafficking unit. This problem is likely to be exacerbated in the aftermath of Kosovo's declaration of independence, since Kosovo Serb police officers have generally refused to continue working with Kosovo Albanian colleagues in the Kosovo Police structure.

¶25. (SBU) Resources to assist trafficking victims are scarce. Catholic Relief Services (CRS) noted that the Kosovo Action Plan (KAP) was drafted with the expectation of a donor conference being organized to fund the different activities together with the government. The conference was not organized last year but is expected to take place in June 2008. A lack of funds prevented some of the protection-related projects from advancing before the KAP expired.

¶26. (SBU) With the exception of the Ministry of Justice-run and Kosovo government-funded Interim Security Facility (ISF), which provides shelter for trafficking victims who are at a high risk for retribution from their traffickers, funding shortfalls also significantly impacted shelters. While the government provided some funding for private shelters that accept domestic trafficking victims, it was reportedly not sufficient to meet all of their needs and one closed its doors during the reporting period. Nevertheless, it is important to note that no comprehensive assessment of shelters has been conducted to determine whether the private shelters are efficient and whether they are all necessary.

¶27. During calendar year 2007, the Ministry of Labor and Social Welfare (MLSW) gave Hope and Homes for Children (HHC), which operates a safe house for minors and a semi-independent living center, about 191,970 euros (282,030 dollars), approximately 28,750 euros (42,240 dollars) of which was during the reporting period. The MLSW gave about 135,000

euros (198,315 dollars) of that money for the provision of services to abused children in HHC,s Prizren and Pristina shelters. The Prizren funds were later reprogrammed to cover the Pristina shelter, resulting in full funding for the Pristina shelter through June 2008 and the closure of the Prizren shelter on December 31, 2007. The remainder of the MLSW,s funding for anti-trafficking shelters was 60,374 euros disbursed among six other shelters for minors.

¶28. (SBU) The largest shelter for foreign victims of trafficking, PVPT, currently receives no government funding, and its future is precarious. To date, most of its funding

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has come from IOM, OSCE and the UK government. It closed briefly in early 2007 because of insufficient funds to cover its rent and the fact that its location was compromised and staff and residents received threats. It closed again in mid-December 2007, and remained closed as of early-February ¶2008. According to CRS, PVPT was unable to qualify for Ministry of Labor and Social Welfare (MLSW) funding in the last round because the procurement was only open to shelters assisting victims of domestic violence. It may be able to qualify for the next round since the MLSW has pledged to open it up to shelters serving only victims of trafficking.

¶29. (SBU) Question 29 (E): The government tries to systematically monitor its anti-trafficking efforts and is willing to make information on its efforts available publicly or privately. Government offices have been responsive to requests for information, providing it in a timely manner and granting requests for meetings on trafficking-related issues. The National Coordinator for Counter-trafficking in the Prime Minister's Advisory Office for Good Governance (AOGG) is responsible for coordinating and reporting on counter-trafficking efforts. His secretariat issues periodic reports on anti TIP activities but does not offer assessments of the implementation of the KAP.

¶30. (SBU) Another effort at monitoring anti-trafficking efforts is the KPS THBS yearly report, which was issued for the first time in 2006 after the KPS THBS gained full competency for anti-trafficking work from UNMIK Police. The report analyzes trends and gives a good snapshot of the trafficking situation, but the KPS does not attempt to assess its own efforts.

Investigation and Prosecution of Traffickers

¶31. (SBU) Question 28 (A): The Provisional Criminal Code of Kosovo (PCK) or UNMIK/REG/2003/25, which came into effect on April 6, 2004, covers internal and external trafficking, as well as myriad activities related to trafficking. Its provisions include Article 137 on slavery and forced labor, Article 138 on smuggling of migrants, Article 139 on trafficking in persons, Article 140 on withholding identity papers of trafficking victims, Article 201 on facilitating prostitution, Article 183 on violating employment rights, Article 193 on rape, Article 195 on sexual assault, Article 196 on degradation of sexual integrity, Article 197 on sexual abuse of persons with mental or emotional disorders or disabilities, Article 198 on sexual abuse of persons under the age of 16, Article 236 on misuse of economic authorizations, Article 274 on organized crime, Article 303 on failure to report preparation of criminal offenses, Article 304 on failure to report criminal offenses or perpetrators of criminal offenses, Article 305 on providing assistance to perpetrators after the commission of criminal offenses, and Article 310 on intimidation during criminal proceedings for organized crime.

¶32. (SBU) The PCK contains some sophisticated provisions on trafficking and adequately covers trafficking and trafficking-related crimes. The KPS THBS says some prosecutors still lack awareness of the use of the instruments now available during investigative and trial

phases. At times, the KPS THBS reports that it has had to insist on the application of such measures.

133. (SBU) Question 28 (B): PCCK Article 139 on trafficking in persons provides for two to 12 years imprisonment for engaging in trafficking in persons (three to 15 years if the

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victim is a minor), seven to 20 years plus a fine of up to 500,000 euros for organizing a group to commit the offense, six months to five years for negligently facilitating trafficking in persons, three months to five years for procuring sexual services of a known trafficking victim (two to 10 years if the victim is under the age of 18). These sentences are greater if committed by an official. Under Article 139, an official would receive five to 15 years in prison for engaging in trafficking, at least ten years for organizing a group to commit the offense, and two to seven years for negligently facilitating trafficking in persons or procuring sexual services of a trafficking victim (five to 12 years if the victim was a minor).

134. (SBU) In calendar year 2007, 31 cases were filed for trafficking in persons for sexual exploitation. Twenty-one cases were resolved during the year, resulting in twenty-four convictions. Twenty-two of the convicts received prison sentences; the sentences ranged from one year to 20 years. One person was fined, and one person received a sentence of semi-liberty (parole). This marked an increase from calendar year 2006, when the Kosovo Judicial Council (KJC) reported that 12 cases resulted in convictions. A weak witness protection system, inadequate training of prosecutors, a lack of technical equipment for undercover operations, victims returning to their homes without testifying against their traffickers, and victims refusing to testify against their traffickers affected conviction rates. The fact that in 2007 the Kosovo Special Prosecutors Office (KSPO), wanting to get at the source of the problem, began concentrating on building strong cases against trafficking networks instead of going after individual bars also affected the number of trafficking convictions. Before 2007, prosecutors tended to go after bars, only to see them reopen again a few months later with the same trafficked women.

135. (SBU) Question 28 (C): PCCK Article 137 on establishing slavery, slavery-like conditions and forced labor provides for imprisonment of two to 10 years plus a fine for general cases, three to 10 years if the perpetrator has a domestic relationship with the victim, three to 15 years if the victim is a child, and five to 12 years if the perpetrator is an official (five to 20 years if the victim is a child).

136. (SBU) PCCK Article 140 provides for punishment of one to five years imprisonment for withholding identification documents of victims of trafficking. If the perpetrator is an official in the exercise of his or her duties, the punishment is three to seven years imprisonment.

137. (SBU) Trafficking in persons for other than sexual exploitation is rare in Kosovo, and USOP was unable to obtain statistics on imposed punishments for forced labor and involuntary servitude. USOP prosecutorial and judicial contacts did not recall such cases ever being tried in Kosovo.

138. (SBU) Question 28 (D): PCCK Article 193 covers rape and forcible sexual assault. It provides for prison sentences of: two to 10 years imprisonment for rape (five to 20 years if the victim is under 16); three to 10 years if the victim is unprotected or his or her security is in danger; five to 15 years if the victim is tortured or injured or if a dangerous weapon is used, if the perpetrator has caused the victim to become intoxicated, if the offense is committed by more than one person, or if the perpetrator knows the victim is vulnerable because of age, a handicap, illness or pregnancy, or if the perpetrator has a domestic relationship with a victim between the ages of 16 and 18; and five to 20

years if the perpetrator has a domestic relationship with a victim under the age of 16. If the victim dies, the minimum sentence is 10 years in prison and the maximum sentence is 40.

¶39. (SBU) Question 28 (E): Voluntary prostitution is a minor offense under the Kosovo Law on Public Peace and Order Article 18(6), and the law punishes the prostitute, but not the client. The prostitute may receive up to 60 days in jail and, if foreign, face deportation.

¶40. (SBU) Under PCCK Article 201, providing the premises for prostitution or recruiting, organizing or assisting a person with the crime of prostitution is punishable by a fine or imprisonment of up to three years. If prostitution is practiced within a 350-meter radius of a school or other locality used by children, the facilitator may receive six months to five years in prison. Facilitating prostitution for someone between the ages of 16 and 18 is punishable by one to 10 years imprisonment, and doing so for someone under the age of 16 is punishable by one to 12 years imprisonment.

¶41. (SBU) Question 28(F): In 2007, the Kosovo judiciary worked on thirty-one trafficking in persons-related cases. Twenty-one cases were resolved during the year, resulting in twenty-four convictions. Twenty-two of the convicts received prison sentences; the sentences ranged from one year to 20 years. One person was fined, and one person received a sentence of semi-liberty (parole). This marked an increase from calendar year 2006, when the Kosovo Judicial Council (KJC) reported that 12 cases resulted in convictions.

¶42. (SBU) A weak witness protection system, inadequate training of prosecutors and a lack of technical equipment for undercover operations contributed to the low rate of prosecution. Victims returning to their homes without testifying against their traffickers or refusing to testify against their traffickers further weakened prosecutions. However, the biggest contributing factor may have been the fact that the Kosovo Special Prosecutors Office (KSPO), wanting to get at the source of the problem, began concentrating on building strong cases against trafficking networks instead of going after individual bars. In the past, prosecutors tended to go after bars, only to see them reopen again a few months later with the same trafficked women.

¶43. (SBU) There is no evidence to suggest that Kosovo is a source or destination for forced laborers. KPS THBS reports that no forced labor cases came to their attention during the reporting period.

¶44. (SBU) Question 28 (G): The government provides training on recognizing and investigating trafficking in persons. KPS THBS officers provide specialized and Balkans-specific training to recruits at the Kosovo Center for Public and Safety Education and Development (KCPSED), Border and Boundary Police officers, and organized crime investigators. They also give more comprehensive courses to KPS officers attending the basic and advanced techniques courses at the Kosovo Police Service School (KPSS). During the reporting period, KPS THBS officers gave five training sessions at the KPSS to police recruits and officers attending investigations techniques courses. They also did one training for Border and Boundary Police trainers, and four trainings for investigators of other units, three of which were on the standard operating procedures for victim assistance.

¶45. (SBU) A number of international and national training

organizations also provide comprehensive training programs on trafficking in persons to Kosovo judges and prosecutors. The

Kosovo Judicial Institute (KJI), the primary national training organization, dedicates a significant portion of its induction training to trafficking in persons. The United States Department of Justice, Council of Europe, OSCE and other international organizations provide specialized training programs for judges and prosecutors on different aspects of trafficking in persons.

¶46. (SBU) Question 28(H): Kosovo's cooperation with other governments on counter-trafficking has declined since KPS THBS transitioned in 2006, largely due to Kosovo's unique status preventing it from joining international organizations such as Interpol, Europol and the Southeast European Cooperative Initiative (SECI). That situation may change due to Kosovo's declaration of independence in February 2008 and subsequent recognitions. When they were still under UNMIK, KPS THBS had bi-monthly meetings with the Serbian Ministry of Interior, as well as good coordination and contact with neighboring countries, Interpol and Europol. KPS THBS reports that it continues to provide requested information to international organizations and foreign governments, but says it does not see a two-way flow of information. KPS THBS reported no official cooperative international investigations of trafficking cases during the reporting period, but said that KPS THBS officers had good cooperation with their Albanian counterparts through the Albanian Liaison Office, as well as with their Montenegrin counterparts. They said the Albanians and Montenegrins helped them with specific information on trafficking cases in Kosovo.

¶47. (SBU) The national counter-trafficking coordinator reports good cooperation with national counter-trafficking coordinators from neighboring countries. He also reports that he participated in International Center for Migration Policy Development (ICMPD) and USAID-sponsored regional seminars on establishing transnational referral mechanisms for trafficked persons in Southeastern Europe in Sofia, Bulgaria in April 2007 and in Sarajevo, Bosnia in November 2007.

KAIDANOW